

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

Writ Petition No.2235 of 2007

(Smt. Sunanda Mahadeo bhute v. Dr. Babasaheb Ambedkar Govt. Boys Hostel, Wardha, through its Superintendent and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions : Court's or Judge's orders
and Registrar's orders.

Ku. K. Pathak, Advocate for Petitioner.

CORAM : R.C. Chavan, J.
DATE : 24th September, 2007

The petitioner, who was employed by the respondents for a short stretches of seven days during the years 1991-92 to 1993-94, assails the order passed by the learned Member, Industrial Court, Nagpur, dismissing her complaint, holding that the respondents had not indulged in unfair labour practice.

The learned Advocate for the petitioner drew my attention to a judgment of the Supreme Court in Central Bank of India v. S. Satyam and others, reported at 1996 II L.L.J. 216. She submitted that even if a person is employed for one day and if the work is available, his discontinuation amounts to retrenchment and such workman will be entitled to be considered preferentially whenever the employer offers employment for the work which was being performed by such workman.

As a principle, what the learned Advocate stated may be unassailable. But in the facts of the case, namely that when the petitioner was engaged only as a stopgap arrangement during the absence of regular cook for small stretches of seven days, the petitioner

cannot claim that she was employed against the work which was available, because the work was not available as the position was already occupied by someone else. The decision relied on by the learned Advocate for the petitioner in Central Bank of India v. S. Satyam and others, referred to above, has no bearing on the facts of the present case. In view of this, no fault can be found with the judgment delivered by the learned Member, Industrial Court, Nagpur.

The petition is, therefore, dismissed.

JUDGE

pdl